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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: Z-0802.1/08

ATTY/TYPIST: LL:cro

BRIEF DESCRIPTION: Providing free interruptive military service credit for members of plans 2 and 3 who provide proof to the director that their interruptive military service was during a period of war defined in RCW 41.04.005.

1       AN ACT Relating to interruptive military service credit within  
2 plans 2 and 3 of the public employees' retirement system, plans 2 and  
3 3 of the school employees' retirement system, plans 2 and 3 of the  
4 teachers' retirement system, plan 2 of the law enforcement officers'  
5 and firefighters' retirement system, plan 2 of the Washington state  
6 patrol retirement system, and the public safety employees' retirement  
7 system; and amending RCW 41.40.710, 41.40.805, 41.35.470, 41.35.650,  
8 41.32.810, 41.32.865, 41.26.520, 43.43.260, and 41.37.260.

9       BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10       **Sec. 1.** RCW 41.40.710 and 2005 c 64 s 2 are each amended to read  
11 as follows:

12       (1) A member who is on a paid leave of absence authorized by a  
13 member's employer shall continue to receive service credit as provided  
14 for under the provisions of RCW 41.40.610 through 41.40.740.

15       (2) A member who receives compensation from an employer while on an  
16 authorized leave of absence to serve as an elected official of a labor  
17 organization, and whose employer is reimbursed by the labor  
18 organization for the compensation paid to the member during the period  
19 of absence, may also be considered to be on a paid leave of absence.

1 This subsection shall only apply if the member's leave of absence is  
2 authorized by a collective bargaining agreement that provides that the  
3 member retains seniority rights with the employer during the period of  
4 leave. The compensation earnable reported for a member who establishes  
5 service credit under this subsection may not be greater than the salary  
6 paid to the highest paid job class covered by the collective bargaining  
7 agreement.

8 (3) Except as specified in subsection (4) of this section, a member  
9 shall be eligible to receive a maximum of two years service credit  
10 during a member's entire working career for those periods when a member  
11 is on an unpaid leave of absence authorized by an employer. Such  
12 credit may be obtained only if:

13 (a) The member makes both the plan 2 employer and member  
14 contributions plus interest as determined by the department for the  
15 period of the authorized leave of absence within five years of  
16 resumption of service or prior to retirement whichever comes sooner; or

17 (b) If not within five years of resumption of service but prior to  
18 retirement, pay the amount required under RCW 41.50.165(2).

19 The contributions required under (a) of this subsection shall be  
20 based on the average of the member's compensation earnable at both the  
21 time the authorized leave of absence was granted and the time the  
22 member resumed employment.

23 (4) A member who leaves the employ of an employer to enter the  
24 uniformed services of the United States shall be entitled to retirement  
25 system service credit for up to five years of military service. This  
26 subsection shall be administered in a manner consistent with the  
27 requirements of the federal uniformed services employment and  
28 reemployment rights act.

29 (a) The member qualifies for service credit under this subsection  
30 if:

31 (i) Within ninety days of the member's honorable discharge from the  
32 uniformed services of the United States, the member applies for  
33 reemployment with the employer who employed the member immediately  
34 prior to the member entering the uniformed services; and

35 (ii) The member makes the employee contributions required under RCW  
36 41.45.061 and 41.45.067 within five years of resumption of service or  
37 prior to retirement, whichever comes sooner; or

1 (iii) Prior to retirement and not within ninety days of the  
2 member's honorable discharge or five years of resumption of service the  
3 member pays the amount required under RCW 41.50.165(2).

4 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),  
5 or (e)(iii) of this subsection, the department shall establish the  
6 member's service credit and shall bill the employer for its  
7 contribution required under RCW 41.45.060, 41.45.061, and 41.45.067 for  
8 the period of military service, plus interest as determined by the  
9 department.

10 (c) The contributions required under (a)(ii), (d)(iii), or (e)(iii)  
11 of this subsection shall be based on the compensation the member would  
12 have earned if not on leave, or if that cannot be estimated with  
13 reasonable certainty, the compensation reported for the member in the  
14 year prior to when the member went on military leave.

15 (d) The surviving spouse or eligible child or children of a member  
16 who left the employ of an employer to enter the uniformed services of  
17 the United States and died while serving in the uniformed services may,  
18 on behalf of the deceased member, apply for retirement system service  
19 credit under this subsection up to the date of the member's death in  
20 the uniformed services. The department shall establish the deceased  
21 member's service credit if the surviving spouse or eligible child or  
22 children:

23 (i) Provides to the director proof of the member's death while  
24 serving in the uniformed services;

25 (ii) Provides to the director proof of the member's honorable  
26 service in the uniformed services prior to the date of death; and

27 (iii) Pays the employee contributions required under chapter 41.45  
28 RCW within five years of the date of death or prior to the distribution  
29 of any benefit, whichever comes first.

30 (e) A member who leaves the employ of an employer to enter the  
31 uniformed services of the United States and becomes totally  
32 incapacitated for continued employment by an employer while serving in  
33 the uniformed services is entitled to retirement system service credit  
34 under this subsection up to the date of discharge from the uniformed  
35 services if:

36 (i) The member obtains a determination from the director that he or  
37 she is totally incapacitated for continued employment due to conditions  
38 or events that occurred while serving in the uniformed services;

1 (ii) The member provides to the director proof of honorable  
2 discharge from the uniformed services; and

3 (iii) The member pays the employee contributions required under  
4 chapter 41.45 RCW within five years of the director's determination of  
5 total disability or prior to the distribution of any benefit, whichever  
6 comes first.

7 (5) A member who leaves the employ of an employer to enter the  
8 uniformed services of the United States shall be entitled to free  
9 retirement system service credit for up to five years of military  
10 service if the member qualifies under this subsection. Qualified  
11 members with multiple periods of interruptive military service are  
12 subject to a combined total limit of five years of free retirement  
13 system service credit for interruptive military service.

14 (a) The member qualifies for free service credit under this  
15 subsection if:

16 (i) Within ninety days of the member's honorable discharge from the  
17 uniformed services of the United States, the member applies for  
18 reemployment with the employer who employed the member immediately  
19 prior to the member entering the uniformed services; and

20 (ii) The member provides to the director proof that the member's  
21 interruptive military service was during a period of war as defined in  
22 RCW 41.04.005.

23 (b) Upon receipt of documentation of eligibility for free military  
24 service credit under (a), (d), or (e) of this subsection, the  
25 department shall establish the member's service credit and shall bill  
26 the employer for its contribution required under RCW 41.45.060,  
27 41.45.061, and 41.45.067 for the period of military service, plus  
28 interest as determined by the department.

29 (c) The employer contributions required under this subsection shall  
30 be based on the compensation the member would have earned if not on  
31 leave, or if that cannot be estimated with reasonable certainty, the  
32 compensation reported for the member in the year prior to when the  
33 member went on military leave.

34 (d) The surviving spouse or eligible child or children of a member  
35 who left the employ of an employer to enter the uniformed services of  
36 the United States, and died while serving in the uniformed services  
37 may, on behalf of the deceased member, apply for free retirement system  
38 service credit under this subsection up to the date of the member's

1 death in the uniformed services. The department shall establish the  
2 deceased member's free service credit if the surviving spouse or  
3 eligible child or children:

4 (i) Provide to the director proof of the member's death while  
5 serving in the uniformed services;

6 (ii) Provide to the director proof of the member's honorable  
7 service in the uniformed services prior to the date of death; and

8 (iii) Provide to the director proof that the member's interruptive  
9 military service was during a period of war as defined in RCW  
10 41.04.005.

11 (e) A member who leaves the employ of an employer to enter the  
12 uniformed services of the United States and becomes totally  
13 incapacitated for continued employment by an employer while serving in  
14 the uniformed services is entitled to free retirement system service  
15 credit under this subsection up to the date of discharge from the  
16 uniformed services if the member:

17 (i) Obtains a determination from the director that he or she is  
18 totally incapacitated for continued employment due to conditions or  
19 events that occurred while serving in the uniformed services;

20 (ii) Provides to the director proof of honorable discharge from the  
21 uniformed services; and

22 (iii) Provides to the director proof that the member's interruptive  
23 military service was during a period of war as defined in RCW  
24 41.04.005.

25 **Sec. 2.** RCW 41.40.805 and 2005 c 64 s 3 are each amended to read  
26 as follows:

27 (1) A member who is on a paid leave of absence authorized by a  
28 member's employer shall continue to receive service credit.

29 (2) A member who receives compensation from an employer while on an  
30 authorized leave of absence to serve as an elected official of a labor  
31 organization, and whose employer is reimbursed by the labor  
32 organization for the compensation paid to the member during the period  
33 of absence, may also be considered to be on a paid leave of absence.  
34 This subsection shall only apply if the member's leave of absence is  
35 authorized by a collective bargaining agreement that provides that the  
36 member retains seniority rights with the employer during the period of  
37 leave. The earnable compensation reported for a member who establishes

1 service credit under this subsection may not be greater than the salary  
2 paid to the highest paid job class covered by the collective bargaining  
3 agreement.

4 (3) Except as specified in subsection (4) of this section, a member  
5 shall be eligible to receive a maximum of two years service credit  
6 during a member's entire working career for those periods when a member  
7 is on an unpaid leave of absence authorized by an employer. Such  
8 credit may be obtained only if:

9 (a) The member makes the contribution on behalf of the employer,  
10 plus interest, as determined by the department; and

11 (b) The member makes the employee contribution, plus interest, as  
12 determined by the department, to the defined contribution portion.

13 The contributions required shall be based on the average of the  
14 member's earnable compensation at both the time the authorized leave of  
15 absence was granted and the time the member resumed employment.

16 (4) A member who leaves the employ of an employer to enter the  
17 uniformed services of the United States shall be entitled to retirement  
18 system service credit for up to five years of military service if  
19 within ninety days of the member's honorable discharge from the  
20 uniformed services of the United States, the member applies for  
21 reemployment with the employer who employed the member immediately  
22 prior to the member entering the uniformed services. This subsection  
23 shall be administered in a manner consistent with the requirements of  
24 the federal uniformed services employment and reemployment rights act.

25 The department shall establish the member's service credit and  
26 shall bill the employer for its contribution required under RCW  
27 41.45.060 and 41.45.067 for the period of military service, plus  
28 interest as determined by the department. Service credit under this  
29 subsection may be obtained only if the member makes the employee  
30 contribution to the defined contribution portion as determined by the  
31 department.

32 The contributions required shall be based on the compensation the  
33 member would have earned if not on leave, or if that cannot be  
34 estimated with reasonable certainty, the compensation reported for the  
35 member in the year prior to when the member went on military leave.

36 (a) The surviving spouse or eligible child or children of a member  
37 who left the employ of an employer to enter the uniformed services of  
38 the United States and died while serving in the uniformed services may,

1 on behalf of the deceased member, apply for retirement system service  
2 credit under this subsection up to the date of the member's death in  
3 the uniformed services. The department shall establish the deceased  
4 member's service credit if the surviving spouse or eligible child or  
5 children:

6 (i) Provides to the director proof of the member's death while  
7 serving in the uniformed services;

8 (ii) Provides to the director proof of the member's honorable  
9 service in the uniformed services prior to the date of death; and

10 (iii) Pays the employee contributions required under this  
11 subsection within five years of the date of death or prior to the  
12 distribution of any benefit, whichever comes first.

13 (b) A member who leaves the employ of an employer to enter the  
14 uniformed services of the United States and becomes totally  
15 incapacitated for continued employment by an employer while serving in  
16 the uniformed services is entitled to retirement system service credit  
17 under this subsection up to the date of discharge from the uniformed  
18 services if:

19 (i) The member obtains a determination from the director that he or  
20 she is totally incapacitated for continued employment due to conditions  
21 or events that occurred while serving in the uniformed services;

22 (ii) The member provides to the director proof of honorable  
23 discharge from the uniformed services; and

24 (iii) The member pays the employee contributions required under  
25 this subsection within five years of the director's determination of  
26 total disability or prior to the distribution of any benefit, whichever  
27 comes first.

28 (5) A member who leaves the employ of an employer to enter the  
29 uniformed services of the United States shall be entitled to free  
30 retirement system service credit for up to five years of military  
31 service if the member qualifies under this subsection. Qualified  
32 members with multiple periods of interruptive military service are  
33 subject to a combined total limit of five years of free retirement  
34 system service credit for interruptive military service.

35 (a) The member qualifies for free service credit under this  
36 subsection if:

37 (i) Within ninety days of the member's honorable discharge from the



1 uniformed services of the United States, the member applies for  
2 reemployment with the employer who employed the member immediately  
3 prior to the member entering the uniformed services; and

4 (ii) The member provides to the director proof that the member's  
5 interruptive military service was during a period of war as defined in  
6 RCW 41.04.005.

7 (b) Upon receipt of documentation of eligibility for free military  
8 service credit under (a), (d), or (e) of this subsection, the  
9 department shall establish the member's service credit and shall bill  
10 the employer for its contribution required under RCW 41.45.060 and  
11 41.45.067 for the period of military service, plus interest as  
12 determined by the department.

13 (c) The employer contributions required under this subsection shall  
14 be based on the compensation the member would have earned if not on  
15 leave, or if that cannot be estimated with reasonable certainty, the  
16 compensation reported for the member in the year prior to when the  
17 member went on military leave.

18 (d) The surviving spouse or eligible child or children of a member  
19 who left the employ of an employer to enter the uniformed services of  
20 the United States, and died while serving in the uniformed services  
21 may, on behalf of the deceased member, apply for free retirement system  
22 service credit under this subsection up to the date of the member's  
23 death in the uniformed services. The department shall establish the  
24 deceased member's free service credit if the surviving spouse or  
25 eligible child or children:

26 (i) Provide to the director proof of the member's death while  
27 serving in the uniformed services;

28 (ii) Provide to the director proof of the member's honorable  
29 service in the uniformed services prior to the date of death; and

30 (iii) Provide to the director proof that the member's interruptive  
31 military service was during a period of war as defined in RCW  
32 41.04.005.

33 (e) A member who leaves the employ of an employer to enter the  
34 uniformed services of the United States and becomes totally  
35 incapacitated for continued employment by an employer while serving in  
36 the uniformed services is entitled to free retirement system service  
37 credit under this subsection up to the date of discharge from the  
38 uniformed services if the member:

1       (i) Obtains a determination from the director that he or she is  
2 totally incapacitated for continued employment due to conditions or  
3 events that occurred while serving in the uniformed services;

4       (ii) Provides to the director proof of honorable discharge from the  
5 uniformed services; and

6       (iii) Provides to the director proof that the member's interruptive  
7 military service was during a period of war as defined in RCW  
8 41.04.005.

9       **Sec. 3.** RCW 41.35.470 and 2005 c 64 s 4 are each amended to read  
10 as follows:

11       (1) A member who is on a paid leave of absence authorized by a  
12 member's employer shall continue to receive service credit as provided  
13 for under the provisions of RCW 41.35.400 through 41.35.599.

14       (2) A member who receives compensation from an employer while on an  
15 authorized leave of absence to serve as an elected official of a labor  
16 organization, and whose employer is reimbursed by the labor  
17 organization for the compensation paid to the member during the period  
18 of absence, may also be considered to be on a paid leave of absence.  
19 This subsection shall only apply if the member's leave of absence is  
20 authorized by a collective bargaining agreement that provides that the  
21 member retains seniority rights with the employer during the period of  
22 leave. The compensation earnable reported for a member who establishes  
23 service credit under this subsection may not be greater than the salary  
24 paid to the highest paid job class covered by the collective bargaining  
25 agreement.

26       (3) Except as specified in subsection (4) of this section, a member  
27 shall be eligible to receive a maximum of two years service credit  
28 during a member's entire working career for those periods when a member  
29 is on an unpaid leave of absence authorized by an employer. Such  
30 credit may be obtained only if:

31       (a) The member makes both the plan 2 employer and member  
32 contributions plus interest as determined by the department for the  
33 period of the authorized leave of absence within five years of  
34 resumption of service or prior to retirement whichever comes sooner; or

35       (b) If not within five years of resumption of service but prior to  
36 retirement, pay the amount required under RCW 41.50.165(2).

1       The contributions required under (a) of this subsection shall be  
2 based on the average of the member's compensation earnable at both the  
3 time the authorized leave of absence was granted and the time the  
4 member resumed employment.

5       (4) A member who leaves the employ of an employer to enter the  
6 uniformed services of the United States shall be entitled to retirement  
7 system service credit for up to five years of military service. This  
8 subsection shall be administered in a manner consistent with the  
9 requirements of the federal uniformed services employment and  
10 reemployment rights act.

11       (a) The member qualifies for service credit under this subsection  
12 if:

13       (i) Within ninety days of the member's honorable discharge from the  
14 uniformed services of the United States, the member applies for  
15 reemployment with the employer who employed the member immediately  
16 prior to the member entering the uniformed services; and

17       (ii) The member makes the employee contributions required under RCW  
18 41.35.430 within five years of resumption of service or prior to  
19 retirement, whichever comes sooner; or

20       (iii) Prior to retirement and not within ninety days of the  
21 member's honorable discharge or five years of resumption of service the  
22 member pays the amount required under RCW 41.50.165(2).

23       (b) Upon receipt of member contributions under (a)(ii), (d)(iii),  
24 or (e)(iii) of this subsection, the department shall establish the  
25 member's service credit and shall bill the employer for its  
26 contribution required under RCW 41.35.430 for the period of military  
27 service, plus interest as determined by the department.

28       (c) The contributions required under (a)(ii), (d)(iii), or (e)(iii)  
29 of this subsection shall be based on the compensation the member would  
30 have earned if not on leave, or if that cannot be estimated with  
31 reasonable certainty, the compensation reported for the member in the  
32 year prior to when the member went on military leave.

33       (d) The surviving spouse or eligible child or children of a member  
34 who left the employ of an employer to enter the uniformed services of  
35 the United States and died while serving in the uniformed services may,  
36 on behalf of the deceased member, apply for retirement system service  
37 credit under this subsection up to the date of the member's death in

1 the uniformed services. The department shall establish the deceased  
2 member's service credit if the surviving spouse or eligible child or  
3 children:

4 (i) Provides to the director proof of the member's death while  
5 serving in the uniformed services;

6 (ii) Provides to the director proof of the member's honorable  
7 service in the uniformed services prior to the date of death; and

8 (iii) Pays the employee contributions required under chapter 41.45  
9 RCW within five years of the date of death or prior to the distribution  
10 of any benefit, whichever comes first.

11 (e) A member who leaves the employ of an employer to enter the  
12 uniformed services of the United States and becomes totally  
13 incapacitated for continued employment by an employer while serving in  
14 the uniformed services is entitled to retirement system service credit  
15 under this subsection up to the date of discharge from the uniformed  
16 services if:

17 (i) The member obtains a determination from the director that he or  
18 she is totally incapacitated for continued employment due to conditions  
19 or events that occurred while serving in the uniformed services;

20 (ii) The member provides to the director proof of honorable  
21 discharge from the uniformed services; and

22 (iii) The member pays the employee contributions required under  
23 chapter 41.45 RCW within five years of the director's determination of  
24 total disability or prior to the distribution of any benefit, whichever  
25 comes first.

26 (5) A member who leaves the employ of an employer to enter the  
27 uniformed services of the United States shall be entitled to free  
28 retirement system service credit for up to five years of military  
29 service if the member qualifies under this subsection. Qualified  
30 members with multiple periods of interruptive military service are  
31 subject to a combined total limit of five years of free retirement  
32 system service credit for interruptive military service.

33 (a) The member qualifies for free service credit under this  
34 subsection if:

35 (i) Within ninety days of the member's honorable discharge from the  
36 uniformed services of the United States, the member applies for  
37 reemployment with the employer who employed the member immediately  
38 prior to the member entering the uniformed services; and

1       (ii) The member provides to the director proof that the member's  
2       interruptive military service was during a period of war as defined in  
3       RCW 41.04.005.

4       (b) Upon receipt of documentation of eligibility for free military  
5       service credit under (a), (d), or (e) of this subsection, the  
6       department shall establish the member's service credit and shall bill  
7       the employer for its contribution required under RCW 41.35.430 for the  
8       period of military service, plus interest as determined by the  
9       department.

10       (c) The employer contributions required under this subsection shall  
11       be based on the compensation the member would have earned if not on  
12       leave, or if that cannot be estimated with reasonable certainty, the  
13       compensation reported for the member in the year prior to when the  
14       member went on military leave.

15       (d) The surviving spouse or eligible child or children of a member  
16       who left the employ of an employer to enter the uniformed services of  
17       the United States, and died while serving in the uniformed services  
18       may, on behalf of the deceased member, apply for free retirement system  
19       service credit under this subsection up to the date of the member's  
20       death in the uniformed services. The department shall establish the  
21       deceased member's free service credit if the surviving spouse or  
22       eligible child or children:

23       (i) Provide to the director proof of the member's death while  
24       serving in the uniformed services;

25       (ii) Provide to the director proof of the member's honorable  
26       service in the uniformed services prior to the date of death; and

27       (iii) Provide to the director proof that the member's interruptive  
28       military service was during a period of war as defined in RCW  
29       41.04.005.

30       (e) A member who leaves the employ of an employer to enter the  
31       uniformed services of the United States and becomes totally  
32       incapacitated for continued employment by an employer while serving in  
33       the uniformed services is entitled to free retirement system service  
34       credit under this subsection up to the date of discharge from the  
35       uniformed services if the member:

36       (i) Obtains a determination from the director that he or she is  
37       totally incapacitated for continued employment due to conditions or  
38       events that occurred while serving in the uniformed services;

1       (ii) Provides to the director proof of honorable discharge from the  
2 uniformed services; and  
3       (iii) Provides to the director proof that the member's interruptive  
4 military service was during a period of war as defined in RCW  
5 41.04.005.

6       **Sec. 4.** RCW 41.35.650 and 2005 c 64 s 5 are each amended to read  
7 as follows:

8       (1) A member who is on a paid leave of absence authorized by a  
9 member's employer shall continue to receive service credit.

10       (2) A member who receives compensation from an employer while on an  
11 authorized leave of absence to serve as an elected official of a labor  
12 organization, and whose employer is reimbursed by the labor  
13 organization for the compensation paid to the member during the period  
14 of absence, may also be considered to be on a paid leave of absence.  
15 This subsection shall only apply if the member's leave of absence is  
16 authorized by a collective bargaining agreement that provides that the  
17 member retains seniority rights with the employer during the period of  
18 leave. The earnable compensation reported for a member who establishes  
19 service credit under this subsection may not be greater than the salary  
20 paid to the highest paid job class covered by the collective bargaining  
21 agreement.

22       (3) Except as specified in subsection (4) of this section, a member  
23 shall be eligible to receive a maximum of two years service credit  
24 during a member's entire working career for those periods when a member  
25 is on an unpaid leave of absence authorized by an employer. Such  
26 credit may be obtained only if:

27       (a) The member makes the contribution on behalf of the employer,  
28 plus interest, as determined by the department; and

29       (b) The member makes the employee contribution, plus interest, as  
30 determined by the department, to the defined contribution portion.

31       The contributions required shall be based on the average of the  
32 member's earnable compensation at both the time the authorized leave of  
33 absence was granted and the time the member resumed employment.

34       (4) A member who leaves the employ of an employer to enter the  
35 uniformed services of the United States shall be entitled to retirement  
36 system service credit for up to five years of military service if  
37 within ninety days of the member's honorable discharge from the

1 uniformed services of the United States, the member applies for  
2 reemployment with the employer who employed the member immediately  
3 prior to the member entering the uniformed services. This subsection  
4 shall be administered in a manner consistent with the requirements of  
5 the federal uniformed services employment and reemployment rights act.

6 The department shall establish the member's service credit and  
7 shall bill the employer for its contribution required under RCW  
8 41.35.720 for the period of military service, plus interest as  
9 determined by the department. Service credit under this subsection may  
10 be obtained only if the member makes the employee contribution to the  
11 defined contribution portion as determined by the department.

12 The contributions required shall be based on the compensation the  
13 member would have earned if not on leave, or if that cannot be  
14 estimated with reasonable certainty, the compensation reported for the  
15 member in the year prior to when the member went on military leave.

16 (a) The surviving spouse or eligible child or children of a member  
17 who left the employ of an employer to enter the uniformed services of  
18 the United States and died while serving in the uniformed services may,  
19 on behalf of the deceased member, apply for retirement system service  
20 credit under this subsection up to the date of the member's death in  
21 the uniformed services. The department shall establish the deceased  
22 member's service credit if the surviving spouse or eligible child or  
23 children:

24 (i) Provides to the director proof of the member's death while  
25 serving in the uniformed services;

26 (ii) Provides to the director proof of the member's honorable  
27 service in the uniformed services prior to the date of death; and

28 (iii) Pays the employee contributions required under this  
29 subsection within five years of the date of death or prior to the  
30 distribution of any benefit, whichever comes first.

31 (b) A member who leaves the employ of an employer to enter the  
32 uniformed services of the United States and becomes totally  
33 incapacitated for continued employment by an employer while serving in  
34 the uniformed services is entitled to retirement system service credit  
35 under this subsection up to the date of discharge from the uniformed  
36 services if:

37 (i) The member obtains a determination from the director that he or

1 she is totally incapacitated for continued employment due to conditions  
2 or events that occurred while serving in the uniformed services;

3 (ii) The member provides to the director proof of honorable  
4 discharge from the uniformed services; and

5 (iii) The member pays the employee contributions required under  
6 this subsection within five years of the director's determination of  
7 total disability or prior to the distribution of any benefit, whichever  
8 comes first.

9 (5) A member who leaves the employ of an employer to enter the  
10 uniformed services of the United States shall be entitled to free  
11 retirement system service credit for up to five years of military  
12 service if the member qualifies under this subsection. Qualified  
13 members with multiple periods of interruptive military service are  
14 subject to a combined total limit of five years of free retirement  
15 system service credit for interruptive military service.

16 (a) The member qualifies for free service credit under this  
17 subsection if:

18 (i) Within ninety days of the member's honorable discharge from the  
19 uniformed services of the United States, the member applies for  
20 reemployment with the employer who employed the member immediately  
21 prior to the member entering the uniformed services; and

22 (ii) The member provides to the director proof that the member's  
23 interruptive military service was during a period of war as defined in  
24 RCW 41.04.005.

25 (b) Upon receipt of documentation of eligibility for free military  
26 service credit under (a), (d), or (e) of this subsection, the  
27 department shall establish the member's service credit and shall bill  
28 the employer for its contribution required under RCW 41.35.720 for the  
29 period of military service, plus interest as determined by the  
30 department.

31 (c) The employer contributions required under this subsection shall  
32 be based on the compensation the member would have earned if not on  
33 leave, or if that cannot be estimated with reasonable certainty, the  
34 compensation reported for the member in the year prior to when the  
35 member went on military leave.

36 (d) The surviving spouse or eligible child or children of a member  
37 who left the employ of an employer to enter the uniformed services of  
38 the United States, and died while serving in the uniformed services



1 may, on behalf of the deceased member, apply for free retirement system  
2 service credit under this subsection up to the date of the member's  
3 death in the uniformed services. The department shall establish the  
4 deceased member's free service credit if the surviving spouse or  
5 eligible child or children:

6 (i) Provide to the director proof of the member's death while  
7 serving in the uniformed services;

8 (ii) Provide to the director proof of the member's honorable  
9 service in the uniformed services prior to the date of death; and

10 (iii) Provide to the director proof that the member's interruptive  
11 military service was during a period of war as defined in RCW  
12 41.04.005.

13 (e) A member who leaves the employ of an employer to enter the  
14 uniformed services of the United States and becomes totally  
15 incapacitated for continued employment by an employer while serving in  
16 the uniformed services is entitled to free retirement system service  
17 credit under this subsection up to the date of discharge from the  
18 uniformed services if the member:

19 (i) Obtains a determination from the director that he or she is  
20 totally incapacitated for continued employment due to conditions or  
21 events that occurred while serving in the uniformed services;

22 (ii) Provides to the director proof of honorable discharge from the  
23 uniformed services; and

24 (iii) Provides to the director proof that the member's interruptive  
25 military service was during a period of war as defined in RCW  
26 41.04.005.

27 **Sec. 5.** RCW 41.32.810 and 2005 c 64 s 7 are each amended to read  
28 as follows:

29 (1) A member who is on a paid leave of absence authorized by a  
30 member's employer shall continue to receive service credit as provided  
31 for under the provisions of RCW 41.32.755 through 41.32.825.

32 (2) A member who receives compensation from an employer while on an  
33 authorized leave of absence to serve as an elected official of a labor  
34 organization, and whose employer is reimbursed by the labor  
35 organization for the compensation paid to the member during the period  
36 of absence, may also be considered to be on a paid leave of absence.  
37 This subsection shall only apply if the member's leave of absence is

1 authorized by a collective bargaining agreement that provides that the  
2 member retains seniority rights with the employer during the period of  
3 leave. The earnable compensation reported for a member who establishes  
4 service credit under this subsection may not be greater than the salary  
5 paid to the highest paid job class covered by the collective bargaining  
6 agreement.

7 (3) Except as specified in subsection (6) of this section, a member  
8 shall be eligible to receive a maximum of two years service credit  
9 during a member's entire working career for those periods when a member  
10 is on an unpaid leave of absence authorized by an employer. Such  
11 credit may be obtained only if the member makes both the employer and  
12 member contributions plus interest as determined by the department for  
13 the period of the authorized leave of absence within five years of  
14 resumption of service or prior to retirement whichever comes sooner.

15 (4) If a member fails to meet the time limitations of subsection  
16 (3) of this section, the member may receive a maximum of two years of  
17 service credit during a member's working career for those periods when  
18 a member is on unpaid leave of absence authorized by an employer. This  
19 may be done by paying the amount required under RCW 41.50.165(2) prior  
20 to retirement.

21 (5) For the purpose of subsection (3) of this section, the  
22 contribution shall not include the contribution for the unfunded  
23 supplemental present value as required by RCW 41.32.775. The  
24 contributions required shall be based on the average of the member's  
25 earnable compensation at both the time the authorized leave of absence  
26 was granted and the time the member resumed employment.

27 (6) A member who leaves the employ of an employer to enter the  
28 uniformed services of the United States shall be entitled to retirement  
29 system service credit for up to five years of military service. This  
30 subsection shall be administered in a manner consistent with the  
31 requirements of the federal uniformed services employment and  
32 reemployment rights act.

33 (a) The member qualifies for service credit under this subsection  
34 if:

35 (i) Within ninety days of the member's honorable discharge from the  
36 uniformed services of the United States, the member applies for  
37 reemployment with the employer who employed the member immediately  
38 prior to the member entering the uniformed services; and

1 (ii) The member makes the employee contributions required under RCW  
2 41.32.775 within five years of resumption of service or prior to  
3 retirement, whichever comes sooner; or

4 (iii) Prior to retirement and not within ninety days of the  
5 member's honorable discharge or five years of resumption of service the  
6 member pays the amount required under RCW 41.50.165(2).

7 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),  
8 or (e)(iii) of this subsection, the department shall establish the  
9 member's service credit and shall bill the employer for its  
10 contribution required under RCW 41.32.775 for the period of military  
11 service, plus interest as determined by the department.

12 (c) The contributions required under (a)(ii), (d)(iii), or (e)(iii)  
13 of this subsection shall be based on the compensation the member would  
14 have earned if not on leave, or if that cannot be estimated with  
15 reasonable certainty, the compensation reported for the member in the  
16 year prior to when the member went on military leave.

17 (d) The surviving spouse or eligible child or children of a member  
18 who left the employ of an employer to enter the uniformed services of  
19 the United States and died while serving in the uniformed services may,  
20 on behalf of the deceased member, apply for retirement system service  
21 credit under this subsection up to the date of the member's death in  
22 the uniformed services. The department shall establish the deceased  
23 member's service credit if the surviving spouse or eligible child or  
24 children:

25 (i) Provides to the director proof of the member's death while  
26 serving in the uniformed services;

27 (ii) Provides to the director proof of the member's honorable  
28 service in the uniformed services prior to the date of death; and

29 (iii) Pays the employee contributions required under chapter 41.45  
30 RCW within five years of the date of death or prior to the distribution  
31 of any benefit, whichever comes first.

32 (e) A member who leaves the employ of an employer to enter the  
33 uniformed services of the United States and becomes totally  
34 incapacitated for continued employment by an employer while serving in  
35 the uniformed services is entitled to retirement system service credit  
36 under this subsection up to the date of discharge from the uniformed  
37 services if:

1 (i) The member obtains a determination from the director that he or  
2 she is totally incapacitated for continued employment due to conditions  
3 or events that occurred while serving in the uniformed services;

4 (ii) The member provides to the director proof of honorable  
5 discharge from the uniformed services; and

6 (iii) The member pays the employee contributions required under  
7 chapter 41.45 RCW within five years of the director's determination of  
8 total disability or prior to the distribution of any benefit, whichever  
9 comes first.

10 (7) A member who leaves the employ of an employer to enter the  
11 uniformed services of the United States shall be entitled to free  
12 retirement system service credit for up to five years of military  
13 service if the member qualifies under this subsection. Qualified  
14 members with multiple periods of interruptive military service are  
15 subject to a combined total limit of five years of free retirement  
16 system service credit for interruptive military service.

17 (a) The member qualifies for free service credit under this  
18 subsection if:

19 (i) Within ninety days of the member's honorable discharge from the  
20 uniformed services of the United States, the member applies for  
21 reemployment with the employer who employed the member immediately  
22 prior to the member entering the uniformed services; and

23 (ii) The member provides to the director proof that the member's  
24 interruptive military service was during a period of war as defined in  
25 RCW 41.04.005.

26 (b) Upon receipt of documentation of eligibility for free military  
27 service credit under (a), (d), or (e) of this subsection, the  
28 department shall establish the member's service credit and shall bill  
29 the employer for its contribution required under RCW 41.32.775 for the  
30 period of military service, plus interest as determined by the  
31 department.

32 (c) The employer contributions required under this subsection shall  
33 be based on the compensation the member would have earned if not on  
34 leave, or if that cannot be estimated with reasonable certainty, the  
35 compensation reported for the member in the year prior to when the  
36 member went on military leave.

37 (d) The surviving spouse or eligible child or children of a member  
38 who left the employ of an employer to enter the uniformed services of

1 the United States, and died while serving in the uniformed services  
2 may, on behalf of the deceased member, apply for free retirement system  
3 service credit under this subsection up to the date of the member's  
4 death in the uniformed services. The department shall establish the  
5 deceased member's free service credit if the surviving spouse or  
6 eligible child or children:

7 (i) Provide to the director proof of the member's death while  
8 serving in the uniformed services;

9 (ii) Provide to the director proof of the member's honorable  
10 service in the uniformed services prior to the date of death; and

11 (iii) Provide to the director proof that the member's interruptive  
12 military service was during a period of war as defined in RCW  
13 41.04.005.

14 (e) A member who leaves the employ of an employer to enter the  
15 uniformed services of the United States and becomes totally  
16 incapacitated for continued employment by an employer while serving in  
17 the uniformed services is entitled to free retirement system service  
18 credit under this subsection up to the date of discharge from the  
19 uniformed services if the member:

20 (i) Obtains a determination from the director that he or she is  
21 totally incapacitated for continued employment due to conditions or  
22 events that occurred while serving in the uniformed services;

23 (ii) Provides to the director proof of honorable discharge from the  
24 uniformed services; and

25 (iii) Provides to the director proof that the member's interruptive  
26 military service was during a period of war as defined in RCW  
27 41.04.005.

28 **Sec. 6.** RCW 41.32.865 and 2005 c 64 s 8 are each amended to read  
29 as follows:

30 (1) A member who is on a paid leave of absence authorized by a  
31 member's employer shall continue to receive service credit.

32 (2) A member who receives compensation from an employer while on an  
33 authorized leave of absence to serve as an elected official of a labor  
34 organization, and whose employer is reimbursed by the labor  
35 organization for the compensation paid to the member during the period  
36 of absence, may also be considered to be on a paid leave of absence.  
37 This subsection shall only apply if the member's leave of absence is

1 authorized by a collective bargaining agreement that provides that the  
2 member retains seniority rights with the employer during the period of  
3 leave. The earnable compensation reported for a member who establishes  
4 service credit under this subsection may not be greater than the salary  
5 paid to the highest paid job class covered by the collective bargaining  
6 agreement.

7 (3) Except as specified in subsection (4) of this section, a member  
8 shall be eligible to receive a maximum of two years service credit  
9 during a member's entire working career for those periods when a member  
10 is on an unpaid leave of absence authorized by an employer. Such  
11 credit may be obtained only if:

12 (a) The member makes the contribution on behalf of the employer,  
13 plus interest, as determined by the department; and

14 (b) The member makes the employee contribution, plus interest, as  
15 determined by the department, to the defined contribution portion.

16 The contributions required shall be based on the average of the  
17 member's earnable compensation at both the time the authorized leave of  
18 absence was granted and the time the member resumed employment.

19 (4) A member who leaves the employ of an employer to enter the  
20 uniformed services of the United States shall be entitled to retirement  
21 system service credit for up to five years of military service if  
22 within ninety days of the member's honorable discharge from the  
23 uniformed services of the United States, the member applies for  
24 reemployment with the employer who employed the member immediately  
25 prior to the member entering the uniformed services. This subsection  
26 shall be administered in a manner consistent with the requirements of  
27 the federal uniformed services employment and reemployment rights act.

28 The department shall establish the member's service credit and  
29 shall bill the employer for its contribution required under chapter  
30 239, Laws of 1995 for the period of military service, plus interest as  
31 determined by the department. Service credit under this subsection may  
32 be obtained only if the member makes the employee contribution to the  
33 defined contribution portion as determined by the department.

34 The contributions required shall be based on the compensation the  
35 member would have earned if not on leave, or if that cannot be  
36 estimated with reasonable certainty, the compensation reported for the  
37 member in the year prior to when the member went on military leave.

1 (a) The surviving spouse or eligible child or children of a member  
2 who left the employ of an employer to enter the uniformed services of  
3 the United States and died while serving in the uniformed services may,  
4 on behalf of the deceased member, apply for retirement system service  
5 credit under this subsection up to the date of the member's death in  
6 the uniformed services. The department shall establish the deceased  
7 member's service credit if the surviving spouse or eligible child or  
8 children:

9 (i) Provides to the director proof of the member's death while  
10 serving in the uniformed services;

11 (ii) Provides to the director proof of the member's honorable  
12 service in the uniformed services prior to the date of death; and

13 (iii) Pays the employee contributions required under this  
14 subsection within five years of the date of death or prior to the  
15 distribution of any benefit, whichever comes first.

16 (b) A member who leaves the employ of an employer to enter the  
17 uniformed services of the United States and becomes totally  
18 incapacitated for continued employment by an employer while serving in  
19 the uniformed services is entitled to retirement system service credit  
20 under this subsection up to the date of discharge from the uniformed  
21 services if:

22 (i) The member obtains a determination from the director that he or  
23 she is totally incapacitated for continued employment due to conditions  
24 or events that occurred while serving in the uniformed services;

25 (ii) The member provides to the director proof of honorable  
26 discharge from the uniformed services; and

27 (iii) The member pays the employee contributions required under  
28 this subsection within five years of the director's determination of  
29 total disability or prior to the distribution of any benefit, whichever  
30 comes first.

31 (5) A member who leaves the employ of an employer to enter the  
32 uniformed services of the United States shall be entitled to free  
33 retirement system service credit for up to five years of military  
34 service if the member qualifies under this subsection. Qualified  
35 members with multiple periods of interruptive military service are  
36 subject to a combined total limit of five years of free retirement  
37 system service credit for interruptive military service.

1       (a) The member qualifies for free service credit under this  
2 subsection if:

3       (i) Within ninety days of the member's honorable discharge from the  
4 uniformed services of the United States, the member applies for  
5 reemployment with the employer who employed the member immediately  
6 prior to the member entering the uniformed services; and

7       (ii) The member provides to the director proof that the member's  
8 interruptive military service was during a period of war as defined in  
9 RCW 41.04.005.

10       (b) Upon receipt of documentation of eligibility for free military  
11 service credit under (a), (d), or (e) of this subsection, the  
12 department shall establish the member's service credit and shall bill  
13 the employer for its contribution required under RCW chapter 239, Laws  
14 of 1995 for the period of military service, plus interest as determined  
15 by the department.

16       (c) The employer contributions required under this subsection shall  
17 be based on the compensation the member would have earned if not on  
18 leave, or if that cannot be estimated with reasonable certainty, the  
19 compensation reported for the member in the year prior to when the  
20 member went on military leave.

21       (d) The surviving spouse or eligible child or children of a member  
22 who left the employ of an employer to enter the uniformed services of  
23 the United States, and died while serving in the uniformed services  
24 may, on behalf of the deceased member, apply for free retirement system  
25 service credit under this subsection up to the date of the member's  
26 death in the uniformed services. The department shall establish the  
27 deceased member's free service credit if the surviving spouse or  
28 eligible child or children:

29       (i) Provide to the director proof of the member's death while  
30 serving in the uniformed services;

31       (ii) Provide to the director proof of the member's honorable  
32 service in the uniformed services prior to the date of death; and

33       (iii) Provide to the director proof that the member's interruptive  
34 military service was during a period of war as defined in RCW  
35 41.04.005.

36       (e) A member who leaves the employ of an employer to enter the  
37 uniformed services of the United States and becomes totally  
38 incapacitated for continued employment by an employer while serving in



1 the uniformed services is entitled to free retirement system service  
2 credit under this subsection up to the date of discharge from the  
3 uniformed services if the member:

4 (i) Obtains a determination from the director that he or she is  
5 totally incapacitated for continued employment due to conditions or  
6 events that occurred while serving in the uniformed services;

7 (ii) Provides to the director proof of honorable discharge from the  
8 uniformed services; and

9 (iii) Provides to the director proof that the member's interruptive  
10 military service was during a period of war as defined in RCW  
11 41.04.005.

12 **Sec. 7.** RCW 41.26.520 and 2005 c 64 s 9 are each amended to read  
13 as follows:

14 (1) A member who is on a paid leave of absence authorized by a  
15 member's employer shall continue to receive service credit as provided  
16 for under the provisions of RCW 41.26.410 through 41.26.550.

17 (2) A member who receives compensation from an employer while on an  
18 authorized leave of absence to serve as an elected official of a labor  
19 organization, and whose employer is reimbursed by the labor  
20 organization for the compensation paid to the member during the period  
21 of absence, may also be considered to be on a paid leave of absence.  
22 This subsection shall only apply if the member's leave of absence is  
23 authorized by a collective bargaining agreement that provides that the  
24 member retains seniority rights with the employer during the period of  
25 leave. The basic salary reported for a member who establishes service  
26 credit under this subsection may not be greater than the salary paid to  
27 the highest paid job class covered by the collective bargaining  
28 agreement.

29 (3) Except as specified in subsection (7) of this section, a member  
30 shall be eligible to receive a maximum of two years service credit  
31 during a member's entire working career for those periods when a member  
32 is on an unpaid leave of absence authorized by an employer. Such  
33 credit may be obtained only if the member makes the employer, member,  
34 and state contributions plus interest as determined by the department  
35 for the period of the authorized leave of absence within five years of  
36 resumption of service or prior to retirement whichever comes sooner.

1 (4) A law enforcement member may be authorized by an employer to  
2 work part time and to go on a part-time leave of absence. During a  
3 part-time leave of absence a member is prohibited from any other  
4 employment with their employer. A member is eligible to receive credit  
5 for any portion of service credit not earned during a month of part-  
6 time leave of absence if the member makes the employer, member, and  
7 state contributions, plus interest, as determined by the department for  
8 the period of the authorized leave within five years of resumption of  
9 full-time service or prior to retirement whichever comes sooner. Any  
10 service credit purchased for a part-time leave of absence is included  
11 in the two-year maximum provided in subsection (3) of this section.

12 (5) If a member fails to meet the time limitations of subsection  
13 (3) or (4) of this section, the member may receive a maximum of two  
14 years of service credit during a member's working career for those  
15 periods when a member is on unpaid leave of absence authorized by an  
16 employer. This may be done by paying the amount required under RCW  
17 41.50.165(2) prior to retirement.

18 (6) For the purpose of subsection (3) or (4) of this section the  
19 contribution shall not include the contribution for the unfunded  
20 supplemental present value as required by RCW 41.45.060, 41.45.061, and  
21 41.45.067. The contributions required shall be based on the average of  
22 the member's basic salary at both the time the authorized leave of  
23 absence was granted and the time the member resumed employment.

24 (7) A member who leaves the employ of an employer to enter the  
25 uniformed services of the United States shall be entitled to retirement  
26 system service credit for up to five years of military service. This  
27 subsection shall be administered in a manner consistent with the  
28 requirements of the federal uniformed services employment and  
29 reemployment rights act.

30 (a) The member qualifies for service credit under this subsection  
31 if:

32 (i) Within ninety days of the member's honorable discharge from the  
33 uniformed services of the United States, the member applies for  
34 reemployment with the employer who employed the member immediately  
35 prior to the member entering the uniformed services; and

36 (ii) The member makes the employee contributions required under RCW  
37 41.45.060, 41.45.061, and 41.45.067 within five years of resumption of  
38 service or prior to retirement, whichever comes sooner; or

1 (iii) Prior to retirement and not within ninety days of the  
2 member's honorable discharge or five years of resumption of service the  
3 member pays the amount required under RCW 41.50.165(2).

4 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),  
5 or (e)(iii) of this subsection, the department shall establish the  
6 member's service credit and shall bill the employer and the state for  
7 their respective contributions required under RCW 41.26.450 for the  
8 period of military service, plus interest as determined by the  
9 department.

10 (c) The contributions required under (a)(ii), (d)(iii), or (e)(iii)  
11 of this subsection shall be based on the compensation the member would  
12 have earned if not on leave, or if that cannot be estimated with  
13 reasonable certainty, the compensation reported for the member in the  
14 year prior to when the member went on military leave.

15 (d) The surviving spouse or eligible child or children of a member  
16 who left the employ of an employer to enter the uniformed services of  
17 the United States and died while serving in the uniformed services may,  
18 on behalf of the deceased member, apply for retirement system service  
19 credit under this subsection up to the date of the member's death in  
20 the uniformed services. The department shall establish the deceased  
21 member's service credit if the surviving spouse or eligible child or  
22 children:

23 (i) Provides to the director proof of the member's death while  
24 serving in the uniformed services;

25 (ii) Provides to the director proof of the member's honorable  
26 service in the uniformed services prior to the date of death; and

27 (iii) Pays the employee contributions required under chapter 41.45  
28 RCW within five years of the date of death or prior to the distribution  
29 of any benefit, whichever comes first.

30 (e) A member who leaves the employ of an employer to enter the  
31 uniformed services of the United States and becomes totally  
32 incapacitated for continued employment by an employer while serving in  
33 the uniformed services is entitled to retirement system service credit  
34 under this subsection up to the date of discharge from the uniformed  
35 services if:

36 (i) The member obtains a determination from the director that he or  
37 she is totally incapacitated for continued employment due to conditions  
38 or events that occurred while serving in the uniformed services;

1       (ii) The member provides to the director proof of honorable  
2 discharge from the uniformed services; and

3       (iii) The member pays the employee contributions required under  
4 chapter 41.45 RCW within five years of the director's determination of  
5 total disability or prior to the distribution of any benefit, whichever  
6 comes first.

7       (8) A member who leaves the employ of an employer to enter the  
8 uniformed services of the United States shall be entitled to free  
9 retirement system service credit for up to five years of military  
10 service if the member qualifies under this subsection. Qualified  
11 members with multiple periods of interruptive military service are  
12 subject to a combined total limit of five years of free retirement  
13 system service credit for interruptive military service.

14       (a) The member qualifies for free service credit under this  
15 subsection if:

16       (i) Within ninety days of the member's honorable discharge from the  
17 uniformed services of the United States, the member applies for  
18 reemployment with the employer who employed the member immediately  
19 prior to the member entering the uniformed services; and

20       (ii) The member provides to the director proof that the member's  
21 interruptive military service was during a period of war as defined in  
22 RCW 41.04.005.

23       (b) Upon receipt of documentation of eligibility for free military  
24 service credit under (a), (d), or (e) of this subsection, the  
25 department shall establish the member's service credit and shall bill  
26 the employer and the state for its contribution required under RCW  
27 41.26.450 for the period of military service, plus interest as  
28 determined by the department.

29       (c) The employer and state contributions required under this  
30 subsection shall be based on the compensation the member would have  
31 earned if not on leave, or if that cannot be estimated with reasonable  
32 certainty, the compensation reported for the member in the year prior  
33 to when the member went on military leave.

34       (d) The surviving spouse or eligible child or children of a member  
35 who left the employ of an employer to enter the uniformed services of  
36 the United States, and died while serving in the uniformed services  
37 may, on behalf of the deceased member, apply for free retirement system  
38 service credit under this subsection up to the date of the member's

1 death in the uniformed services. The department shall establish the  
2 deceased member's free service credit if the surviving spouse or  
3 eligible child or children:

4 (i) Provide to the director proof of the member's death while  
5 serving in the uniformed services;

6 (ii) Provide to the director proof of the member's honorable  
7 service in the uniformed services prior to the date of death; and

8 (iii) Provide to the director proof that the member's interruptive  
9 military service was during a period of war as defined in RCW  
10 41.04.005.

11 (e) A member who leaves the employ of an employer to enter the  
12 uniformed services of the United States and becomes totally  
13 incapacitated for continued employment by an employer while serving in  
14 the uniformed services is entitled to free retirement system service  
15 credit under this subsection up to the date of discharge from the  
16 uniformed services if the member:

17 (i) Obtains a determination from the director that he or she is  
18 totally incapacitated for continued employment due to conditions or  
19 events that occurred while serving in the uniformed services;

20 (ii) Provides to the director proof of honorable discharge from the  
21 uniformed services; and

22 (iii) Provides to the director proof that the member's interruptive  
23 military service was during a period of war as defined in RCW  
24 41.04.005.

25 (9) A member receiving benefits under Title 51 RCW who is not  
26 receiving benefits under this chapter shall be deemed to be on unpaid,  
27 authorized leave of absence.

28 **Sec. 8.** RCW 43.43.260 and 2005 c 64 s 10 are each amended to read  
29 as follows:

30 Upon retirement from service as provided in RCW 43.43.250, a member  
31 shall be granted a retirement allowance which shall consist of:

32 (1) A prior service allowance which shall be equal to two percent  
33 of the member's average final salary multiplied by the number of years  
34 of prior service rendered by the member.

35 (2) A current service allowance which shall be equal to two percent  
36 of the member's average final salary multiplied by the number of years  
37 of service rendered while a member of the retirement system.

1 (3)(a) Any member commissioned prior to January 1, 2003, with  
2 twenty-five years service in the Washington state patrol may have the  
3 member's service in the uniformed services credited as a member whether  
4 or not the individual left the employ of the Washington state patrol to  
5 enter such uniformed services: PROVIDED, That in no instance shall  
6 military service in excess of five years be credited: AND PROVIDED  
7 FURTHER, That in each instance, a member must restore all withdrawn  
8 accumulated contributions, which restoration must be completed on the  
9 date of the member's retirement, or as provided under RCW 43.43.130,  
10 whichever occurs first: AND PROVIDED FURTHER, That this section shall  
11 not apply to any individual, not a veteran within the meaning of RCW  
12 41.06.150.

13 (b) A member who leaves the Washington state patrol to enter the  
14 uniformed services of the United States shall be entitled to retirement  
15 system service credit for up to five years of military service. This  
16 subsection shall be administered in a manner consistent with the  
17 requirements of the federal uniformed services employment and  
18 reemployment rights act.

19 (i) The member qualifies for service credit under this subsection  
20 if:

21 (A) Within ninety days of the member's honorable discharge from the  
22 uniformed services of the United States, the member applies for  
23 reemployment with the employer who employed the member immediately  
24 prior to the member entering the uniformed services; and

25 (B) The member makes the employee contributions required under RCW  
26 41.45.0631 and 41.45.067 within five years of resumption of service or  
27 prior to retirement, whichever comes sooner; or

28 (C) Prior to retirement and not within ninety days of the member's  
29 honorable discharge or five years of resumption of service the member  
30 pays the amount required under RCW 41.50.165(2).

31 (ii) Upon receipt of member contributions under (b)(i)(B),  
32 (b)(iv)(C), and (b)(v)(C) of this subsection, the department shall  
33 establish the member's service credit and shall bill the employer for  
34 its contribution required under RCW 41.45.060 for the period of  
35 military service, plus interest as determined by the department.

36 (iii) The contributions required under (b)(i)(B), (b)(iv)(C), and  
37 (b)(v)(C) of this subsection shall be based on the compensation the

1 member would have earned if not on leave, or if that cannot be  
2 estimated with reasonable certainty, the compensation reported for the  
3 member in the year prior to when the member went on military leave.

4 (iv) The surviving spouse or eligible child or children of a member  
5 who left the employ of an employer to enter the uniformed services of  
6 the United States and died while serving in the uniformed services may,  
7 on behalf of the deceased member, apply for retirement system service  
8 credit under this subsection up to the date of the member's death in  
9 the uniformed services. The department shall establish the deceased  
10 member's service credit if the surviving spouse or eligible child or  
11 children:

12 (A) Provides to the director proof of the member's death while  
13 serving in the uniformed services;

14 (B) Provides to the director proof of the member's honorable  
15 service in the uniformed services prior to the date of death; and

16 (C) If the member was commissioned on or after January 1, 2003,  
17 pays the employee contributions required under chapter 41.45 RCW within  
18 five years of the date of death or prior to the distribution of any  
19 benefit, whichever comes first.

20 (v) A member who leaves the employ of an employer to enter the  
21 uniformed services of the United States and becomes totally  
22 incapacitated for continued employment by an employer while serving in  
23 the uniformed services is entitled to retirement system service credit  
24 under this subsection up to the date of discharge from the uniformed  
25 services if:

26 (A) The member obtains a determination from the director that he or  
27 she is totally incapacitated for continued employment due to conditions  
28 or events that occurred while serving in the uniformed services;

29 (B) The member provides to the director proof of honorable  
30 discharge from the uniformed services; and

31 (C) If the member was commissioned on or after January 1, 2003, the  
32 member pays the employee contributions required under chapter 41.45 RCW  
33 within five years of the director's determination of total disability  
34 or prior to the distribution of any benefit, whichever comes first.

35 (c) A member who leaves the Washington state patrol to enter the  
36 uniformed services of the United States shall be entitled to free  
37 retirement system service credit for up to five years of military  
38 service if the member qualifies under this subsection (3)(c).

1 Qualified members with multiple periods of interruptive military  
2 service are subject to a combined total limit of five years of free  
3 retirement system service credit for interruptive military service.

4 (i) The member qualifies for service credit under this subsection  
5 (3)(c) if:

6 (A) Within ninety days of the member's honorable discharge from the  
7 uniformed services of the United States, the member applies for  
8 reemployment with the employer who employed the member immediately  
9 prior to the member entering the uniformed services; and

10 (B) The member provides to the director proof that the member's  
11 interruptive military service was during a period of war as defined in  
12 RCW 41.04.005.

13 (ii) Upon receipt of documentation of eligibility for free military  
14 service credit under (c)(i), (iv), and (v) of this subsection, the  
15 department shall establish the member's service credit and shall bill  
16 the employer for its contribution required under RCW 41.45.060, for the  
17 period of military service, plus interest as determined by the  
18 department.

19 (iii) The employer contributions required under this subsection  
20 (3)(c) shall be based on the compensation the member would have earned  
21 if not on leave, or if that cannot be estimated with reasonable  
22 certainty, the compensation reported for the member in the year prior  
23 to when the member went on military leave.

24 (iv) The surviving spouse or eligible child or children of a member  
25 who left the employ of an employer to enter the uniformed services of  
26 the United States, and died while serving in the uniformed services  
27 may, on behalf of the deceased member, apply for retirement system  
28 service credit under this subsection up to the date of the member's  
29 death in the uniformed services. The department shall establish the  
30 deceased member's service credit if the surviving spouse or eligible  
31 child or children:

32 (A) Provide to the director proof of the member's death while  
33 serving in the uniformed services;

34 (B) Provide to the director proof of the member's honorable service  
35 in the uniformed services prior to the date of death; and

36 (C) Provide to the director proof that the member's interruptive  
37 military service was during a period of war as defined in RCW  
38 41.04.005.



1       (v) A member who leaves the employ of an employer to enter the  
2 uniformed services of the United States and becomes totally  
3 incapacitated for continued employment by an employer while serving in  
4 the uniformed services is entitled to free retirement system service  
5 credit under this subsection up to the date of discharge from the  
6 uniformed services if the member:

7       (A) Obtains a determination from the director that he or she is  
8 totally incapacitated for continued employment due to conditions or  
9 events that occurred while serving in the uniformed services;

10       (B) Provides to the director proof of honorable discharge from the  
11 uniformed services; and

12       (C) Provides to the director proof that the member's interruptive  
13 military service was during a period of war as defined in RCW  
14 41.04.005.

15       (4) In no event shall the total retirement benefits from  
16 subsections (1), (2), and (3) of this section, of any member exceed  
17 seventy-five percent of the member's average final salary.

18       (5) Beginning July 1, 2001, and every year thereafter, the  
19 department shall determine the following information for each retired  
20 member or beneficiary whose retirement allowance has been in effect for  
21 at least one year:

22       (a) The original dollar amount of the retirement allowance;

23       (b) The index for the calendar year prior to the effective date of  
24 the retirement allowance, to be known as "index A";

25       (c) The index for the calendar year prior to the date of  
26 determination, to be known as "index B"; and

27       (d) The ratio obtained when index B is divided by index A.

28       The value of the ratio obtained shall be the annual adjustment to  
29 the original retirement allowance and shall be applied beginning with  
30 the July payment. In no event, however, shall the annual adjustment:

31       (i) Produce a retirement allowance which is lower than the original  
32 retirement allowance;

33       (ii) Exceed three percent in the initial annual adjustment; or

34       (iii) Differ from the previous year's annual adjustment by more  
35 than three percent.

36       For the purposes of this section, "index" means, for any calendar  
37 year, that year's average consumer price index for the Seattle-Tacoma-

1 Bremerton Washington area for urban wage earners and clerical workers,  
2 all items, compiled by the bureau of labor statistics, United States  
3 department of labor.

4 The provisions of this section shall apply to all members presently  
5 retired and to all members who shall retire in the future.

6 **Sec. 9.** RCW 41.37.260 and 2005 c 64 s 11 are each amended to read  
7 as follows:

8 (1) A member who is on a paid leave of absence authorized by a  
9 member's employer shall continue to receive service credit as provided  
10 for under RCW 41.37.190 through 41.37.290.

11 (2) A member who receives compensation from an employer while on an  
12 authorized leave of absence to serve as an elected official of a labor  
13 organization, and whose employer is reimbursed by the labor  
14 organization for the compensation paid to the member during the period  
15 of absence, may also be considered to be on a paid leave of absence.  
16 This subsection shall only apply if the member's leave of absence is  
17 authorized by a collective bargaining agreement that provides that the  
18 member retains seniority rights with the employer during the period of  
19 leave. The compensation earnable reported for a member who establishes  
20 service credit under this subsection may not be greater than the salary  
21 paid to the highest paid job class covered by the collective bargaining  
22 agreement.

23 (3) Except as specified in subsection (4) of this section, a member  
24 shall be eligible to receive a maximum of two years service credit  
25 during a member's entire working career for those periods when a member  
26 is on an unpaid leave of absence authorized by an employer. This  
27 credit may be obtained only if:

28 (a) The member makes both the employer and member contributions  
29 plus interest as determined by the department for the period of the  
30 authorized leave of absence within five years of resumption of service  
31 or prior to retirement whichever comes sooner; or

32 (b) If not within five years of resumption of service but prior to  
33 retirement, pay the amount required under RCW 41.50.165(2).

34 The contributions required under (a) of this subsection shall be  
35 based on the average of the member's compensation earnable at both the  
36 time the authorized leave of absence was granted and the time the  
37 member resumed employment.

1 (4) A member who leaves the employ of an employer to enter the  
2 uniformed services of the United States shall be entitled to retirement  
3 system service credit for up to five years of military service. This  
4 subsection shall be administered in a manner consistent with the  
5 requirements of the federal uniformed services employment and  
6 reemployment rights act.

7 (a) The member qualifies for service credit under this subsection  
8 if:

9 (i) Within ninety days of the member's honorable discharge from the  
10 uniformed services of the United States, the member applies for  
11 reemployment with the employer who employed the member immediately  
12 prior to the member entering the uniformed services; and

13 (ii) The member makes the employee contributions required under RCW  
14 41.37.220 within five years of resumption of service or prior to  
15 retirement, whichever comes sooner; or

16 (iii) Prior to retirement and not within ninety days of the  
17 member's honorable discharge or five years of resumption of service the  
18 member pays the amount required under RCW 41.50.165(2).

19 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),  
20 or (e)(iii) of this subsection, the department shall establish the  
21 member's service credit and shall bill the employer for its  
22 contribution required under RCW 41.37.220 for the period of military  
23 service, plus interest as determined by the department.

24 (c) The contributions required under (a)(ii), (d)(iii), or (e)(iii)  
25 of this subsection shall be based on the compensation the member would  
26 have earned if not on leave, or if that cannot be estimated with  
27 reasonable certainty, the compensation reported for the member in the  
28 year prior to when the member went on military leave.

29 (d) The surviving spouse or eligible child or children of a member  
30 who left the employ of an employer to enter the uniformed services of  
31 the United States and died while serving in the uniformed services may,  
32 on behalf of the deceased member, apply for retirement system service  
33 credit under this subsection up to the date of the member's death in  
34 the uniformed services. The department shall establish the deceased  
35 member's service credit if the surviving spouse or eligible child or  
36 children:

37 (i) Provides to the director proof of the member's death while  
38 serving in the uniformed services;

1 (ii) Provides to the director proof of the member's honorable  
2 service in the uniformed services prior to the date of death; and

3 (iii) Pays the employee contributions required under chapter 41.45  
4 RCW within five years of the date of death or prior to the distribution  
5 of any benefit, whichever comes first.

6 (e) A member who leaves the employ of an employer to enter the  
7 uniformed services of the United States and becomes totally  
8 incapacitated for continued employment by an employer while serving in  
9 the uniformed services is entitled to retirement system service credit  
10 under this subsection up to the date of discharge from the uniformed  
11 services if:

12 (i) The member obtains a determination from the director that he or  
13 she is totally incapacitated for continued employment due to conditions  
14 or events that occurred while serving in the uniformed services;

15 (ii) The member provides to the director proof of honorable  
16 discharge from the uniformed services; and

17 (iii) The member pays the employee contributions required under  
18 chapter 41.45 RCW within five years of the director's determination of  
19 total disability or prior to the distribution of any benefit, whichever  
20 comes first.

21 (5) A member who leaves the employ of an employer to enter the  
22 uniformed services of the United States shall be entitled to free  
23 retirement system service credit for up to five years of military  
24 service if the member qualifies under this subsection. Qualified  
25 members with multiple periods of interruptive military service are  
26 subject to a combined total limit of five years of free retirement  
27 system service credit for interruptive military service.

28 (a) The member qualifies for free service credit under this  
29 subsection if:

30 (i) Within ninety days of the member's honorable discharge from the  
31 uniformed services of the United States, the member applies for  
32 reemployment with the employer who employed the member immediately  
33 prior to the member entering the uniformed services; and

34 (ii) The member provides to the director proof that the member's  
35 interruptive military service was during a period of war as defined in  
36 RCW 41.04.005.

37 (b) Upon receipt of documentation of eligibility for free military  
38 service credit under (a), (d), or (e) of this subsection, the

1 department shall establish the member's service credit and shall bill  
2 the employer for its contribution required under RCW 41.37.220 for the  
3 period of military service, plus interest as determined by the  
4 department.

5 (c) The employer contributions required under this subsection shall  
6 be based on the compensation the member would have earned if not on  
7 leave, or if that cannot be estimated with reasonable certainty, the  
8 compensation reported for the member in the year prior to when the  
9 member went on military leave.

10 (d) The surviving spouse or eligible child or children of a member  
11 who left the employ of an employer to enter the uniformed services of  
12 the United States, and died while serving in the uniformed services  
13 may, on behalf of the deceased member, apply for free retirement system  
14 service credit under this subsection up to the date of the member's  
15 death in the uniformed services. The department shall establish the  
16 deceased member's free service credit if the surviving spouse or  
17 eligible child or children:

18 (i) Provide to the director proof of the member's death while  
19 serving in the uniformed services;

20 (ii) Provide to the director proof of the member's honorable  
21 service in the uniformed services prior to the date of death; and

22 (iii) Provide to the director proof that the member's interruptive  
23 military service was during a period of war as defined in RCW  
24 41.04.005.

25 (e) A member who leaves the employ of an employer to enter the  
26 uniformed services of the United States and becomes totally  
27 incapacitated for continued employment by an employer while serving in  
28 the uniformed services is entitled to free retirement system service  
29 credit under this subsection up to the date of discharge from the  
30 uniformed services if the member:

31 (i) Obtains a determination from the director that he or she is  
32 totally incapacitated for continued employment due to conditions or  
33 events that occurred while serving in the uniformed services;

34 (ii) Provides to the director proof of honorable discharge from the  
35 uniformed services; and

36 (iii) Provides to the director proof that the member's interruptive

1 military service was during a period of war as defined in RCW  
2 41.04.005.

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